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VIRGINIA LAW REGISTER.

JNO. GARLAND POLLARD, EDITOR, Richmond, Va.

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Nothing better illustrates the growth of Norfolk City than its courts. Until 1894, the corporation court of that city, though greatly overworked, attended to all litigation, civil and criminal, with only such relief as was afforded by the semi-annual terms of the city circuit court. In that year a strong movement of the bar, based upon the congested condition of litigated business, resulted in the establishment of a new court called the Court of Law and Chancery; and on it was conferred the general common law and chancery jurisdiction, leaving to the corporation court the criminal cases and cases of special character, like condemnation and tax questions, etc.

Immediately after the passage of the statute organizing this court, a meeting of the bar was held for the purpose of nominating a suitable person to the legislature to occupy this new judicial chair; and Judge William B. Martin was nominated by a vote of 56 to 28 over one of the most popular and distinguished members of the bar. Judge Martin has held the office continuously to this day by successive re-elections.

Judge Martin is a native of Delaware, having been born in New Castle on September 18, 1846. On his mother's side he is descended from George Read, a signer of the Declaration of Independence, and a Chief Justice of Delaware. His father was General James Green Martin, of North Carolina, who served in the old army and lost his right arm in the battle of Cherubusco during the Mexican war. His grandfather, Dr. William Martin, was a Virginian, but moved to Elizabeth City, N. C. On the outbreak of the Civil War he resigned and placed his sword at the disposal of his native state. As Adjutant-General and General-in-Chief of North Carolina troops he took an active part in the organization of that incomparable infantry from North Carolina which so often turned the tide of battle in the Army of Northern Virginia. He

was a Brigadier-General in the Confederate service, commanding a brigade in Lee's Army.

William B. Martin, his son, attended the Virginia Military Institute during the war, and was a member of the cadet corps at the battle of New Market, but did not participate in the battle, as he was in hospital suffering from a severe attack when the order came for the cadets to march. After the battle he served in the corps until the end of the war. He then went to Asheville, North Carolina, and went to work at anything that he could find to do, meanwhile reading law at night in the office of Judge Bailey. He was licensed in 1867 in North Carolina, but settled in Norfolk, and there commenced the practice of his profession in 1868. At one time he was a member of the firm of Duffield & Martin, and later of Starke & Martin, the latter relationship continuing until his elevation to the bench.

He served three terms as city attorney, an office bestowed by popular vote. He has also served in the city council. He is well known to the legal profession throughout the State as an author of an index-digest of the Virginia decisions, which is a necessary part of the equipment of the Virginia lawyer.

As a jurist, Judge Martin is untiring in energy and prompt in the rendition of his decisions. Fearless, impartial and conscientious to an extreme, he has kept his docket always clear, despite the enormous number of cases that always crowd it. Though the Court of Appeals has differed with him more than once, his average of affirmances is a high and honorable one; and he commands the respect of all who practice before him. As was well said of a distinguished jurist of England: "When the judicial ermine descended upon him, it touched nothing less pure than itself."

We publish in this issue the reply of Hon. Eugene C. Massie to the criticisms of Hon. E. P. Cox and Judge A. A. Phlegar upon the Torrens System. In our January number Mr. Massie proposes to answer the article of Mr. J. F. Bullitt who has treated the subject more in detail than any of the critics of the System. There is evidently a widespread interest in the subject. We expect to be able to publish in our next number the views of Hon. Rufus A. Ayers, Judge S. C. Graham, Mr. Joseph

**The Torrens
Symposium.**

L. Kelley, Hon. Samuel R. Buxton, and Hon. J. C. Parker, all of these gentlemen having expressed their intention to participate in the discussion. We shall be greatly disappointed if our symposium does not render material aid in the solution of the question.

James Bryce, the great Englishman who has perhaps studied more minutely and written more intelligently than any other foreigner concerning the American people and institutions, says that the first and strongest impression received **A Commercialized Profession.** during his recent visit to America is the commercialization of the legal profession. Mr. Bryce, in his "American Commonwealth," first written after a visit of about twenty years ago, showed himself a careful observer and a deep student. The fact that on his recent return to this country he was struck with a change in the legal profession is in itself a most significant fact. Concerning this matter he says:

"Lawyers are now to a greater extent than formerly business men, a part of the great organized system of industrial and financial enterprise. They are less than formerly the students of a particular kind of learning, the practitioners of a particular art. And they do not seem to be quite so much of a distinct professional class. Some one seventy years ago called them the aristocracy of the United States, meaning that they lead public opinion in the same way as the aristocracy of England led opinion there. They still comprise a large part of the finest intellect of the nation. But one is told that they do not take so keen an interest in purely legal and constitutional questions as they did in the days of Story and Webster, or even in those of William M. Evarts and Charles O'Connor. Business is king."

Mr. Bryce has rightfully depicted the situation. No matter how much we may regret the commercializing of our profession it looks as if such a result is inevitable.

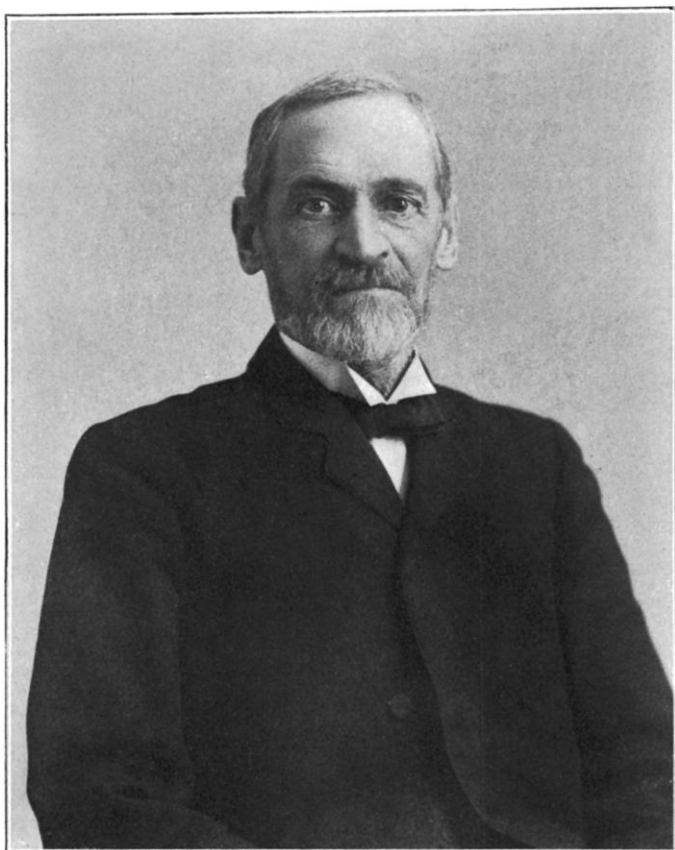
In this connection it may be well to mention some evidences of this tendency in Virginia. Time out of mind we have considered the solicitation of business as grossly unprofessional, but this rule has now been entirely circumvented by the organization

of various kinds of corporations which are in effect "business getters" for lawyers. It is highly unprofessional for a lawyer to ask the merchant for claims for collection, but the lawyer may organize a collection company which may send out broad-cast drummers for business, the larger portion of which requires legal attention. Lawyers cannot solicit from purchasers of property the examination of titles, but they can form title examining companies and advertise and solicit as in other businesses. Lawyers cannot solicit the settlement of estates, but they can form trust companies to act as personal representatives, and these companies can solicit business which almost inevitably requires legal skill. Lawyers cannot solicit corporation business, but they can form corporation companies which can and do solicit business which only lawyers can properly attend to. No matter how much we may deprecate these tendencies, the bar with all of its power cannot successfully resist them. They are inevitable. The question is, Can the bar successfully continue to sustain its position against solicitation of business, when the rule can be so easily circumvented by lawyers "encorporating themselves" or by lawyers consenting to act as counsel for corporations formed by others for the purpose of soliciting legal business?

A few years ago a woman known as Lilly Cody was arrested in Chicago on a charge of stealing a pair of trousers from a negro. Upon her arraignment, the officer who had her in custody stated upon information received from the woman herself that she was the noted Annie Oakley.

A Chain of Libel Suits Broken in Virginia. After being sentenced to prison in default of the payment of a fine she was interviewed by a newspaper reporter who questioned her carefully as to details, dates, and persons connected with Buffalo Bill's exhibition. She answered these questions so satisfactorily as to convince the reporter that she was in fact the true Annie Oakley, and thereupon he wrote an elaborate account of the affair, which was sent out over the wires of two press associations to their newspaper patrons. It developed afterwards, however, that the Cody woman was an imposter and the real Annie Oakley was a Mrs. Frank Butler, who thereupon brought about

fifty suits against various newspapers which published the story. Proceedings were instituted in about eighteen different states and the amount sued for reached two millions of dollars. Already nine judgments have been rendered aggregating seventeen thousand dollars and ten papers have compromised by paying her amounts aggregating about eight thousand dollars. We are informed that the suit brought against the *News-Leader* of Richmond is the only case in which there was a verdict for the defendant. The case went to our Supreme Court of Appeals, which recently handed down an opinion adverse to the plaintiff.



JUDGE WILLIAM BRUCE MARTIN.